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Mr. Paul L. Hoch
1735 Highland Place, Apt. 25
Berkeley, California 94709

Dear Mr. Hoch:

This is in response to your letter requesting the Attorney General to review, pursuant to 29 C.F.R. §10.7(c), the denial by then Deputy Attorney General Kleindienst of your request for various documents relating to the assassination of President Kennedy. Specifically, you requested access to all FBI records concerning Lee Harvey Oswald which existed before the date of President Kennedy's assassination "whether maintained at headquarters or at any field office. This should include all material in FBI files dealing with Oswald in any way that was not furnished to the Warren Commission (as well as not furnished but presently withheld), including internal memoranda, teletypes and other instructions or communications between FBI activities, internal surveillance reports on any surveillance conducted involving Oswald, internal mail cover reports and the like."

Deputy Attorney General Kleindienst denied your request on the ground that the records sought consist of "investigatory files compiled for law enforcement purposes," and your appeal is from that action of his. In view of his initial response to your request in his capacity as Deputy Attorney General, Attorney General Kleindienst has disqualified himself with respect to your appeal and has designated me to hear it.

Upon careful consideration of your appeal I have decided to hold open the previous denial of your request for further consideration pending the expected decision

(CF LTR OF 11 OCT 72)

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of the Court of Appeals for the District of Columbia
Circuit in Harold Weisberg v. Department of Justice,
No. 71-1026. That litigation, like your request, is under
the Freedom of Information Act and involves the question
of access to investigative files of the FBI pertaining
to the assassination of President Kennedy. While the
records sought in that case, spectrographic analyses of
the bullets, etc., that were involved, are not the same
records as you are seeking, we believe the issues are
sufficiently similar so that the court's decision is
likely to have a significant and perhaps a determinative
bearing on the proper disposition of your request. Since
the Weisberg case was argued in April, 1972, a decision
can be expected shortly, and you can expect to hear further
from this Department on your request very soon thereafter.

Sincerely,

Malcolm L. Wilkins
Deputy Attorney General

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